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Of Counsel:
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United States Attorney
Counsel for the United States

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
)	Case No.: 2:15-cv-02424-APG-GWF
Plaintiff,)	
)	
v.)	
)	
CONSTANTIN OCHESCU,)	
LILIANA COSMA,)	
DITECH FINANCIAL LLC, and)	
REPUBLIC SERVICES, INC.,)	
)	
Defendants.)	

**UNITED STATES' *EX PARTE* MOTION TO STAY
DISCOVERY AND SCHEDULING MATTERS UNTIL
DEFENDANTS CONSTANTIN OCHESCU AND LILIANA COSMA ARE SERVED**

The United States respectfully seeks to stay the discovery plan and mandatory disclosures required under Local Rule 26-1, and other discovery matters, until defendants Constantin Ochescu and Liliana Cosma are served and their time to answer or otherwise respond has run.

BACKGROUND

This is a civil action concerning federal income taxes. The Complaint (Dkt. 1) seeks to reduce tax assessments against Mr. Ochescu to judgment, and to satisfy a portion of the judgment by foreclosing on real property held by Ms. Cosma, Mr. Ochescu's wife and, the United States alleges, his nominee or fraudulent transferee. Defendants Republic Services, Inc. and Ditech Financial LLC are named because they may claim some interest in the real property.

To date, the United States has not succeeded in serving Mr. Ochescu or Ms. Cosma, despite multiple attempts to and offering them the opportunity to waiver service. The United States submitted a motion detailing these attempts, and requesting that: 1) the Court extend the time for service as permitted by Federal Rule of Civil Procedure 4(m); and 2) the Court permit service by publication as permitted under Nevada law. (*See* Dkt. 11). The Court granted that motion today, and has extended the time for service to May 16, 2016. (Dkt. 13). The United States has completed service on Republic Services, Inc., and Ditech Financial LLC, though only Republic Services, Inc. has filed an Answer. (Dkt. 9).

REQUEST FOR RELIEF

The United States submits that it would be impracticable to submit a discovery plan before the primary defendants have been served and have responded (or are found to be in default, pursuant to Federal Rule of Civil Procedure 55(a), as the case may be). The United States respectfully requests that discovery and scheduling requirements be stayed. The United

States will file proof of service with the Court when service on Mr. Oceshcu and Ms. Cosma has been completed, and will contact these defendants regarding Local Rule 26 when they answer or otherwise respond. Counsel for the United States will provide a status report if they do not file a response, or if only one of them does and the other's time for response expires, or if otherwise appropriate.¹ The undersigned counsel regrets the error in not bringing this matter to the Court's attention earlier, pursuant to Local Rule 26-1.

DATED this 15th day of March, 2016

Respectfully submitted,

CAROLINE D. CIRAOLLO
Acting Assistant Attorney General

/s/ E. Carmen Ramirez
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¹ Counsel for the United States has conferred with counsel for the only party that has been served and appeared, Republic Wireless, Inc. That counsel did not object. The United States styles this motion "ex parte" because counsel has not been in contact with the other defendants.

Of Counsel:
DANIEL BOGDEN
United States Attorney

Counsel for the United States

IT IS SO ORDERED:

A handwritten signature in blue ink, reading "George Foley Jr.", is written over a horizontal line.

GEORGE FOLEY JR.
United States Magistrate Judge

DATED: March 16, 2016

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that service of the foregoing is made this 15th day of March, 2016 on the following parties, by the following means:

By U.S. Mail:

Constantin Ochescu
8064 Cetus Circle
Las Vegas, NV 89128
(with copy of Complaint and Summons)

Liliana Cosma
8064 Cetus Circle
Las Vegas, NV 89128
(with copy of Complaint and Summons)

Ditech Financial, LLC
c/o The Corporation Trust Company of NV
701 S. Carson Street Suite 200
Carson City, NV 89701

By ECF:

Republic Silver State Disposal, Inc. d/b/a Republic Services, Inc.
c/o Donald H. Williams
Williams & Associates
612 South Tenth St.
Las Vegas, NV 89101

/s/ E. Carmen Ramirez
E. CARMEN RAMIREZ
Trial Attorney, Tax Division
U.S. Department of Justice